

## **STATE GOVERNMENT**

**MICROBUSINESS** – House Bill 5 – Sponsored by Representatives Dorothy Pelanda (R – Marysville) and Theresa Gavarone (R – Bowling Green)

To enact section 166.50 of the Revised Code to create a statutory definition of "microbusiness."

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill simply defines a microbusiness as one that is for-profit, independently held and employs 20 or fewer.

**Status:** Introduced February 1, 2017. Passed the Ohio House on March 1, 2017, on a vote of 96-0. Pending before the Ohio Senate Transportation, Commerce & Workforce Committee.

### House Bill 5

**PUBLIC EXPENDITURE DATABASE** – House Bill 40 – Sponsored by Representatives Jonathan Dever (R – Madeira) and Dave Greenspan (R – Westlake)

To require the Treasurer of State to establish the Ohio State Government Expenditure Database.

**NFIB/Ohio Position:** Support

**Analysis:** The bill essentially codifies the Treasurer of State's existing government expenditure database known as Ohio's Online Checkbook. This voluntary program shows all expenditures for participating units of local government. NFIB/Ohio supports transparency and accountability for public expenditures of taxpayer dollars. Short of codification, and subsequent Treasurer of State could elect to not continue this program.

**Status:** Introduced February 7, 2017. Pending before the Ohio House State and Local Government Committee.

### House Bill 40

**PUBLIC EMPLOYEE RIGHT TO WORK** – House Bill 53 – Sponsored by Representative John Becker (R – Union Township)

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill prohibits an individual from having to join an organization as condition of employment. It also prohibits any fair share payments to an organization as condition of employment. Nothing in the bill abolishes collective bargaining rights or the rights of an individual to contribute to an organization.

**Status:** Introduced February 13, 2017. Pending before the Ohio House Finance Committee.

House Bill 53

**MINIMUM WAGE INCREASE** – House Bill 86 – Sponsored by Representatives Kent Smith (D – Euclid) and Hearcel Craig (D – Columbus)

To increase the state minimum wage to ten dollars and ten cents per hour beginning January 1, 2019.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill would take Ohio's minimum wage from the current \$8.15 per hour to \$10.10 per hour and index to inflation in subsequent years. NFIB/Ohio opposes any attempt at setting a minimum wage as the market should dictate wages. Small employers are least able to absorb this government mandate and will have to make tough decisions on benefit packages, schedules and employment.

**Status:** Introduced February 22, 2017. Pending referral to committee in the Ohio House.

House Bill 86

**EMPLOYEE RIGHTS** – Senate Bill 38 – Sponsored by Senator Kenny Yuko (D – Richmond Heights)

To raise the minimum wage; to eliminate the prohibition against political subdivisions establishing a different minimum wage; to raise the salary threshold above which certain employees are exempt from the overtime law; and to create a uniform standard to determine whether an individual performing services for an employer is an employee of that employer.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill would raise the minimum wage to \$10.15 an hour and index to inflation and repeal the recently enacted and NFIB/Ohio Key Vote on restricting local governments from establishing a different minimum wage than the state. The bill also increases the salary threshold when certain employees are exempt from overtime. NFIB sued the federal government to stop the doubling of the threshold. This bill takes it further to \$50,000 in 2018 and \$69,000 in 2019. The bill also scraps the current test for who is or is not an employee and creates

draconian penalties for employers that recklessly misclassify individuals. The bill also adds liability to general contractors for the hiring practices of their subcontractors. NFIB has long challenged previous iterations of this bill. While we do not condone misclassification, the methods employed in this bill will likely lead to harassment of employers by competitors as any interested party may file a complaint with the Dept. of Commerce.

**Status:** Introduced February 7, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

Senate Bill 38

**BAN THE BOX** – Senate Bill 49 – Sponsored by Senator Sandra Williams (D – Cleveland)

To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill prohibits an employer from asking about an applicant's pleading guilty to or being convicted of a felony on a job application. The bill does not preclude an employer from doing a background check. The bill appears to include no penalties for non-compliance. NFIB/Ohio members believe they should have the right to ask the question upfront and make their own decision about how to handle any previous felonies.

**Status:** Introduced February 14, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

Senate Bill 49

**PERMISSIVE PREVAILING WAGE** - Senate Bill 72 & House Bill 163 – Sponsored by Senator Matt Huffman (R – Lima) and Representatives Kristina Roegner (R – Hudson) & Craig Riedel (R – Defiance)

To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

**NFIB/Ohio Position:** Support

**Analysis:** The bill would allow local governments, special districts (like port authorities) and higher education institutions to decide on a project by project basis whether to apply prevailing wage to any public improvement project. There are NFIB/Ohio members that are not able to meet the requirements for prevailing wage and thus are excluded from being bidders on prevailing wage projects. This bill also gives local governments and other public entities the ability to better manage their taxpayer dollars on projects and expand the number of competitive bids.

**Status:** Introduced February 27, 2017. Pending before the Ohio Senate Finance  
Committee.  
Senate Bill 72 House Bill 163

## **HEALTHCARE**

**STEP THERAPY PROTOCOL** – Senate Bill 56 & House Bill 72 – Sponsored by Senators Peggy Lehner (R – Kettering) and Charleta Tavares (D – Columbus) and Representative Terry Johnson (R – McDermott) and Nickie Antonio (D – Lakewood)

To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill stipulates that step therapy protocols can be bypassed in certain circumstances. Step therapy is utilized by insurance companies to try and treat a patient with less costly drugs/therapy before moving on to more expensive treatments. The proponents of this legislation indicate insurance companies use fail first methods too much even when it is known that the treatment will fail. NFIB/Ohio is monitoring to see what impacts this might have on our members' health insurance premiums.

**Status:** Introduced February 14, 2017 and February 21, 2017, in respective chambers. Pending before the Ohio Senate Health, Human Service & Medicaid Committee. Pending before Ohio House Health Committee.

Senate Bill 56

House Bill 72

**UNIVERSAL HEALTHCARE** – Senate Bill 91 – Sponsored by Senators Michael Skindell (D – Lakewood) and Charleta Tavares (D – Columbus)

To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill eliminates the competitive market for health insurance in favor of a universal, government run program. The bill is funded through employer payroll assessments of no more than 3.85% in first year, assessments on gross receipts of employers not to exceed 3% in the first year, assessments on income tax of 6.2% and for those earning over \$200,000 an additional 5%.

**Status:** Introduced March 7, 2017. Pending before the Ohio Senate Insurance & Financial Institutions Committee.

Senate Bill 91

**HEARING AID MANDATE** – Senate Bill 93 – Sponsored by Senator Edna Brown (D – Toledo)

To require health insurers to offer coverage for hearing aids.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill requires that all health insurance policies that provide basic coverage be required to include a benefit of no less than \$1,500 per year over three years. The bill also prohibits any deductible or co-pay charges. Like all mandates they are only applicable to the fully-insured market, arguably the most volatile, leaving significant coverage gaps.

**Status:** Introduced March 7, 2017. Pending before the Ohio Senate Insurance and Financial Institutions Committee.

Senate Bill 93

**MAMMOGRAPHY MANDATE EXPANSION** – Senate Bill 121 – Sponsored by Senator John Eklund (R – Munson Township)

To include tomosynthesis as part of required screening mammography benefits under health insurance policies.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill adds an additional requirement to the mammography mandate currently in Ohio Revised Code that would to cover 3D imaging. NFIB/Ohio is working with the health insurance industry to understand if this service is already covered and the efficacy of this procedure in early detection of cancer. This bill is an expansion of an already existing mandate.

**Status:** Introduced March 30, 2017. Pending referral to committee in the Ohio Senate.

Senate Bill 121

## **LABOR**

### **EMPLOYMENT LAW REFORM – House Bill 2 – Sponsored by Representative Seitz (R – Cincinnati)**

To amend sections 2315.18, 4112.01, 4112.02, 4112.04, 4112.05, 4112.051, 4112.08, and 4112.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4112.051 (4112.055) and 4112.052 (4112.056); to enact new sections 4112.051, 4112.052 and sections 4112.053 and 4112.054; and to repeal section 4112.14 of the Revised Code to modify Ohio civil rights laws related to employment.

**NFIB/Ohio Position:** Support

**Analysis:** The bill would update Ohio's employment laws to sync with federal employment laws, particularly as it relates to statutes of limitation for filing of claims. The bill eliminates filing in multiple venues at the same time, eliminates supervisor liability for enforcement of a company policy, and puts a sliding scale cap on damages based upon employer size. These reforms will also streamline age discrimination lawsuits which have four different tracks of pursuit currently.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

House Bill 2

### **RIGHT TO WORK – House Bill 113 – Sponsored by Representative Tom Brinkman (R – Cincinnati)**

To prohibit any requirement that employees of private employers join or pay dues to any employee organization and to establish civil and criminal penalties against employers who violate that prohibition.

**NFIB/Ohio Position:** Support

**Analysis:** The bill would prohibit the joining of any employee organization as a condition of employment. This policy is known as right to work. The bill also establishes both civil and criminal penalties including recovery for actual damages for individuals and fines up to \$1,000 and up to 90 days in jail. NFIB/Ohio's last ballot on right to work received overwhelming support in favor.

**Status:** Introduced March 7, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

House Bill 113

**WAGE DISCRIMINATION** – House Bill 138 – Sponsored by Representatives Kent Smith (D – Euclid) and Janine Boyd (D – Cleveland)

To require the Ohio Civil Rights Commission to establish a system for individuals to make anonymous complaints regarding employers discriminating in the payment of wages.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would create a process whereby an individual who feels he/she has been discriminated against with respect to wages/pay may file an anonymous complaint via phone or electronic means. Current procedure requires in person, via mail with a notarized complaint form or electronically which subsequently requires a notarized form to be resubmitted. Wage discrimination is currently illegal. NFIB/Ohio does not condone discrimination in any form or fashion. We will monitor this bill to ensure that employers are protected during investigations and not penalized simply based upon the filing of a complaint.

**Status:** Introduced March 21, 2017. Pending referral to committee in the Ohio House.

House Bill 138

**PREDICTIVE SCHEDULING** – Senate Bill 101 – Sponsored by Senator Michael Skindell (D – Lakewood)

To regulate certain employment practices of formula retail establishment employers, food services establishment employers, and contractors and to require the purchaser of a formula retail establishment or food services establishment to retain certain employees of the establishment on transfer of ownership.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill requires two weeks advanced notice for employee scheduling. Deviation or adjustment will result in payment of some of the hours to the employee. Bill also requires retention of certain employees when a specific type of business is sold or ownership is transferred. NFIB/Ohio supported legislation in the 131<sup>st</sup> GA that keeps scheduling and other fringe benefits between employer and employee. Any interference in this process, including retention of employees upon transfer of ownership, is unnecessary government involvement in an employer/employee contract/relationship.

**Status:** Introduced March 15, 2017. Pending referral to committee in the Ohio Senate.

Senate Bill 101



## **WORKERS' COMP & UNEMPLOYMENT COMP**

**WORKERS' COMP BUDGET** – House Bill 27 – Sponsored by Representative Tom Brinkman (R – Cincinnati)

To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is the biennial budget for the BWC, separate from the state operating budget. There is a provision contained within that would dismiss a claim for permanent partial disability should the applicant not submit to a medical examination. This provision is a part of one of NFIB/Ohio's key workers' compensation reforms. The \$566.5 million budget is a 2.5% increase from the previous biennium. Ongoing monitoring will continue through the legislative process. The sub bill includes a provision that reduces the statute of limitations for filing a claim from 2 years to 1 year. This provision has been a decades long priority of NFIB/Ohio.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Insurance Committee.

### House Bill 27

**INDUSTRIAL COMMISSION BUDGET** – House Bill 28 – Sponsored by Representative Tom Brinkman (R- Cincinnati)

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.

**NFIB/Ohio Position:** Interested Party

**Analysis:** This is simply an appropriations bill. There is currently no policy changes included. NFIB/Ohio will continue to monitor for any policy additions. The bill appropriates \$103.6 million over the biennium representing a one percent increase over the previous biennium.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Finance Committee.

### House Bill 28

**MILITARY SPOUSE WORKERS' COMP** – House Bill 158 & Senate Bill 116 – Sponsored by Representatives Rick Perales (R – Beavercreek) & Hearcel Craig

(D – Columbus) and Senators Frank LaRose (R – Hudson) & Sandra Williams (D- Cleveland)

To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill permits the spouse of an active duty military member to qualify for unemployment benefits should the spouse be required to move as a result of a military transfer. NFIB/Ohio always is always focused on expansion of benefits particularly when an expansion could cause the full FUTA offset credit to be lost skyrocketing employers' rates from \$42 per employee to \$420 per employee. However, as Ohio is no longer in a state of borrowing this penalty would not be triggered. This provision is estimated to cost less than \$100,000 annually in benefit payouts.

**Status:** Introduced March 23, 2017, in the Ohio House and March 22, 2017, in the Ohio Senate. Pending referral to committee in both chambers.

House Bill 158

Senate Bill 116

**PTSD WORKERS' COMP** – Senate Bill 118 & House Bill 161– Sponsored by Senators Frank LaRose (R – Hudson) and Edna Brown (D – Toledo) and Representative Tom Patton (R – Strongsville)

To make peace officers, firefighters, and emergency medical workers diagnosed with posttraumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill would allow PTSD or mental allowances as the basis for a workers' compensation claim for first responders. This would undo decades of precedence that requires an underlying physical injury to have a mental allowance. This bill does limit benefits to one year and prohibit an individual from receiving a disability benefit without a physical injury. When BWC testified against a similar bill they estimated public employer premiums would double. NFIB/Ohio is very concerned about a potential challenge on equal protection grounds opening up all employers to these claims.

**Status:** Introduced March 23, 2017, in the Ohio Senate and March 28, 2017, in the Ohio Senate. Pending referral to committee in both chambers.

Senate Bill 118

House Bill 161

## **TORT REFORM/CIVIL JUSTICE**

### **MED MAL REFORM – House Bill 7 – Sponsored by Representative Bob Cupp (R – Lima)**

To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim."

**NFIB/Ohio Position:** Interested Party

**Analysis:** The many provisions of the bill are articulated in the title. Analysis is ongoing as the bill sees activity.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Civil Justice Committee.

#### **House Bill 7**

### **DAMAGE CAPS REMOVAL – House Bill 20 – Sponsored by Representatives Anne Gonzales (R – Westerville) and Kristin Boggs (D – Columbus)**

To amend section 2315.18 of the Revised Code to remove the cap on the amount of compensatory damages that represents damages for noneconomic loss that is recoverable in a tort action when the tort action is brought by a victim of rape, felonious assault, aggravated assault, assault, or negligent assault.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is in response to a recent Ohio Supreme Court ruling upholding Ohio's noneconomic damage caps for a victim of sexual assault. This bill would remove the caps in place for instances of rape, felonious assault, aggravated assault, assault, or negligent assault. NFIB/Ohio will be closely monitoring this bill to protect employer liability for non-work related actions done by employees.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

House Bill 20

**SEXUAL ORIENTATION DISCRIMINATION - House Bill 160 – Sponsored by Representative Nickie Antonio (D – Lakewood)**

To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would add sexual orientation and gender identity or expression to the list of protected classes for purposes of discrimination. NFIB/Ohio does not condone discrimination but carefully monitors legislation that adds avenues in which employers may be sued. NFIB/Ohio supports broader reforms to Ohio's employment discrimination included in House Bill 2.

**Status:** Introduced March 28, 2017. Pending referral to committee in the Ohio House.

House Bill 160

**TRESSPASSING NOTIFICATION – Senate Bill 76 – Sponsored by Senator Bill Coley (R – Liberty Township)**

To amend the law governing criminal trespass to specify that placing purple paint marks on trees or posts constitutes posting notice in a manner reasonably calculated to come to the attention of potential intruders.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill allows private property owners to paint purple marks on trees or posts to notify potential trespassers that they are on or near private property. This bill aims to protect private property owners from potential litigation by giving another means of notification of property boundaries.

**Status:** Introduced February 27, 2017. Pending before the Ohio Senate Judiciary Committee.

Senate Bill 76

## **ENERGY AND ENVIRONMENT**

**ENERGY EFFICIENCY REFORM** – House Bill 114 – Sponsored by Representative Louis Blessing (R – Cincinnati)

To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is similar to the bill vetoed last GA by Governor Kasich. The bill extends the current renewable energy and energy efficient requirements through 2027 and eliminates after. Additionally, freezes mandates for two years making them goals instead. The bill reduces energy efficiency benchmarks and adds items to what counts toward benchmarks. The bill adds mercantile customers (700k+ kWh annually) to the opt-out provisions. Further the bill permits residential customers to opt-out of any rider or other charges related to renewable energy and expressly states that all costs for providing renewable energy resources are bypassable by any consumer shopping for an electrical supplier.

**Status:** Introduced March 7, 2017. Pending before the Ohio House Public Utilities Committee.

House Bill 114

**From:** Myers, Marisa  
**Sent:** Wednesday, October 4, 2017 5:11 PM  
**To:** Gruber, Joe  
**Subject:** NFIB  
**Attachments:** 132nd-March-2017.pdf

Hi Joe,

Attached is NFIB's 1<sup>st</sup> quarter legislative update. It gives a good summary of the bills they are tracking and their position. Of the issues I cover, I would say Rep. Manning should be prepared to speak on:

- Prevailing Wage (HB 163)

- Right to Work (HB 53, HB 113)

- Employment Law Reform (HB 2)

- Unemployment Compensation Reform (Steven actually covers this one, but I've worked on it a bit too and it's a big issue)

Let me know if you need additional information on those items or others.

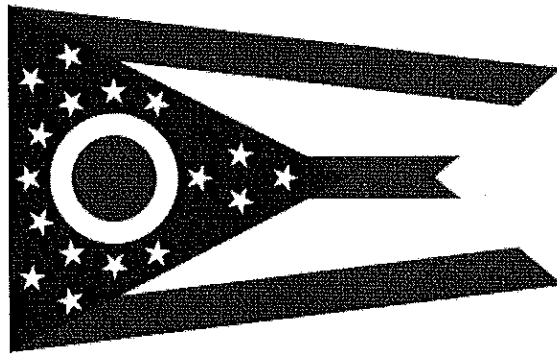
Best,

*Marisa Myers*

Majority Caucus Policy Advisor | Speaker Clifford A. Rosenberger  
Ohio House of Representatives | 77 S. High Street Columbus, Ohio 43215  
p. 614.728.5523 | e. Marisa.Myers@ohiohouse.gov

# **NFIB**

The Voice of Small Business®



## **LEGISLATIVE UPDATE**

### **132nd OHIO GENERAL ASSEMBLY**

**MARCH 2017**

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## **BUDGET AND TAXES**

**STATE OPERATING BUDGET** – House Bill 49 – Sponsored by Representative Ryan Smith (R – Galipolis)

Makes appropriations for the operations of the state.

**NFIB/Ohio Position:** Interested Party


**Analysis:** NFIB/Ohio focused primarily on the tax reform components of the operating budget. The overall package results in a net tax reduction of \$39 million over the biennium. There is a 17% across the board income tax reduction, and a collapsing of income brackets from 9 to 5. The bill increases the sales tax from 5.75% to 6.25% and expands the base to a select group of services. The bill also increases the severance tax, cigarette and OTP taxes, and tax on beer & wine. The bill also subjects the CAT to interest on loans made by entities not subjected to the FIT and to qualified distribution centers of at least 10% of gross receipts. NFIB/Ohio does not support tax shifting. While the simplification on bracket collapsing is good policy, picking winners and losers on the sales tax and other taxes side is not. NFIB/Ohio supports the concept of centralized collection of municipal net profits tax to help ease the burden of filing. The budget appropriates nearly \$67 billion over the biennium (July 1, 2017 – June 30, 2019).

**Status:** Introduced February 8, 2017. Pending before Ohio House Finance Committee.

House Bill 49

**SALES TAX HOLIDAY** – Senate Bill 9 and House Bill 89 – Sponsored by Senator Kevin Bacon (R – Minerva Park) and Representatives John Patterson (D – Jefferson) and Brigid Kelly (D – Cincinnati)

To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

**NFIB/Ohio Position:** Support 

**Analysis:** The bill follows the trend of previous enacted bills and would institute a three-day sales tax holiday for 2017. NFIB/Ohio is supportive of making this policy permanent in lieu of revisiting every year.

**Status:** Introduced January 31, 2017, and February 22, 2017, in respective chambers. SB 9 passed the Ohio Senate on February 22, 2017, on a vote of 32-1. Pending vote of full Ohio House. HB 89 pending before the Ohio House Ways & Means committee in the Ohio House.

Senate Bill 9

House Bill 89

**CAUV – Senate Bill 36 – Sponsored by Senator Cliff Hite (R – Findlay)**

To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would revise the current CAUV formula attempting to more adequately reflect fluctuations in commodity prices and subsequent adjustments in land valuation. Farmers have seen a substantial spike in land value upwards of 300% increases. This bill seeks to bring about tax relief to land designated with CAUV status. NFIB/Ohio will be closely monitoring this bill and the impact to other property owners. The fiscal note indicates a loss of \$17-\$18 million to local governments and schools which may lead to additional levies being sought.

**Status:** Introduced February 7, 2017. Pending before the Ohio Senate Ways & Means Committee.

Senate Bill 36

## **STATE GOVERNMENT**

**MICROBUSINESS** – House Bill 5 – Sponsored by Representatives Dorothy Pelanda (R – Marysville) and Theresa Gavarone (R – Bowling Green)

To enact section 166.50 of the Revised Code to create a statutory definition of "microbusiness."

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill simply defines a microbusiness as one that is for-profit, independently held and employs 20 or fewer.

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**NFIB/Ohio Position:** Support

**Analysis:** The bill essentially codifies the Treasurer of State's existing government expenditure database known as Ohio's Online Checkbook. This voluntary program shows all expenditures for participating units of local government. NFIB/Ohio supports transparency and accountability for public expenditures of taxpayer dollars. Short of codification, and subsequent Treasurer of State could elect to not continue this program.

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To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill prohibits an employer from asking about an applicant's pleading guilty to or being convicted of a felony on a job application. The bill does not preclude an employer from doing a background check. The bill appears to include no penalties for non-compliance. NFIB/Ohio members believe they should have the right to ask the question upfront and make their own decision about how to handle any previous felonies.

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Senate Bill 49

**PERMISSIVE PREVAILING WAGE** - Senate Bill 72 & House Bill 163 – Sponsored by Senator Matt Huffman (R – Lima) and Representatives Kristina Roegner (R – Hudson) & Craig Riedel (R – Defiance)

To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

**NFIB/Ohio Position:** Support

**Analysis:** The bill would allow local governments, special districts (like port authorities) and higher education institutions to decide on a project by project basis whether to apply prevailing wage to any public improvement project. There are NFIB/Ohio members that are not able to meet the requirements for prevailing wage and thus are excluded from being bidders on prevailing wage projects. This bill also gives local governments and other public entities the ability to better manage their taxpayer dollars on projects and expand the number of competitive bids.

**Status:** Introduced February 27, 2017. Pending before the Ohio Senate Finance  
Committee.  
Senate Bill 72 House Bill 163

## **HEALTHCARE**

**STEP THERAPY PROTOCOL** – Senate Bill 56 & House Bill 72 – Sponsored by Senators Peggy Lehner (R – Kettering) and Charleta Tavares (D – Columbus) and Representative Terry Johnson (R – McDermott) and Nickie Antonio (D – Lakewood)

To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill stipulates that step therapy protocols can be bypassed in certain circumstances. Step therapy is utilized by insurance companies to try and treat a patient with less costly drugs/therapy before moving on to more expensive treatments. The proponents of this legislation indicate insurance companies use fail first methods too much even when it is known that the treatment will fail. NFIB/Ohio is monitoring to see what impacts this might have on our members' health insurance premiums.

**Status:** Introduced February 14, 2017 and February 21, 2017, in respective chambers. Pending before the Ohio Senate Health, Human Service & Medicaid Committee. Pending before Ohio House Health Committee.

Senate Bill 56

House Bill 72

**UNIVERSAL HEALTHCARE** – Senate Bill 91 – Sponsored by Senators Michael Skindell (D – Lakewood) and Charleta Tavares (D – Columbus)

To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill eliminates the competitive market for health insurance in favor of a universal, government run program. The bill is funded through employer payroll assessments of no more than 3.85% in first year, assessments on gross receipts of employers not to exceed 3% in the first year, assessments on income tax of 6.2% and for those earning over \$200,000 an additional 5%.

**Status:** Introduced March 7, 2017. Pending before the Ohio Senate Insurance & Financial Institutions Committee.

Senate Bill 91

**HEARING AID MANDATE – Senate Bill 93 – Sponsored by Senator Edna Brown (D – Toledo)**

To require health insurers to offer coverage for hearing aids.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill requires that all health insurance policies that provide basic coverage be required to include a benefit of no less than \$1,500 per year over three years. The bill also prohibits any deductible or co-pay charges. Like all mandates they are only applicable to the fully-insured market, arguably the most volatile, leaving significant coverage gaps.

**Status:** Introduced March 7, 2017. Pending before the Ohio Senate Insurance and Financial Institutions Committee.

Senate Bill 93

**MAMMOGRAPHY MANDATE EXPANSION – Senate Bill 121 – Sponsored by Senator John Eklund (R – Munson Township)**

To include tomosynthesis as part of required screening mammography benefits under health insurance policies.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill adds an additional requirement to the mammography mandate currently in Ohio Revised Code that would to cover 3D imaging. NFIB/Ohio is working with the health insurance industry to understand if this service is already covered and the efficacy of this procedure in early detection of cancer. This bill is an expansion of an already existing mandate.

**Status:** Introduced March 30, 2017. Pending referral to committee in the Ohio Senate.

Senate Bill 121



## **LABOR**

### **EMPLOYMENT LAW REFORM – House Bill 2 – Sponsored by Representative Seitz (R – Cincinnati)**

To amend sections 2315.18, 4112.01, 4112.02, 4112.04, 4112.05, 4112.051, 4112.08, and 4112.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4112.051 (4112.055) and 4112.052 (4112.056); to enact new sections 4112.051, 4112.052 and sections 4112.053 and 4112.054; and to repeal section 4112.14 of the Revised Code to modify Ohio civil rights laws related to employment.

#### **NFIB/Ohio Position: Support**

**Analysis:** The bill would update Ohio's employment laws to sync with federal employment laws, particularly as it relates to statutes of limitation for filing of claims. The bill eliminates filing in multiple venues at the same time, eliminates supervisor liability for enforcement of a company policy, and puts a sliding scale cap on damages based upon employer size. These reforms will also streamline age discrimination lawsuits which have four different tracks of pursuit currently.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

House Bill 2

### **RIGHT TO WORK – House Bill 113 – Sponsored by Representative Tom Brinkman (R – Cincinnati)**

To prohibit any requirement that employees of private employers join or pay dues to any employee organization and to establish civil and criminal penalties against employers who violate that prohibition.

#### **NFIB/Ohio Position: Support**

**Analysis:** The bill would prohibit the joining of any employee organization as a condition of employment. This policy is known as right to work. The bill also establishes both civil and criminal penalties including recovery for actual damages for individuals and fines up to \$1,000 and up to 90 days in jail. NFIB/Ohio's last ballot on right to work received overwhelming support in favor.

**Status:** Introduced March 7, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

House Bill 113

**WAGE DISCRIMINATION – House Bill 138 – Sponsored by Representatives Kent Smith (D – Euclid) and Janine Boyd (D – Cleveland)**

To require the Ohio Civil Rights Commission to establish a system for individuals to make anonymous complaints regarding employers discriminating in the payment of wages.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would create a process whereby an individual who feels he/she has been discriminated against with respect to wages/pay may file an anonymous complaint via phone or electronic means. Current procedure requires in person, via mail with a notarized complaint form or electronically which subsequently requires a notarized form to be resubmitted. Wage discrimination is currently illegal. NFIB/Ohio does not condone discrimination in any form or fashion. We will monitor this bill to ensure that employers are protected during investigations and not penalized simply based upon the filing of a complaint.

**Status:** Introduced March 21, 2017. Pending referral to committee in the Ohio House.

House Bill 138

**PREDICTIVE SCHEDULING – Senate Bill 101 – Sponsored by Senator Michael Skindell (D – Lakewood)**

To regulate certain employment practices of formula retail establishment employers, food services establishment employers, and contractors and to require the purchaser of a formula retail establishment or food services establishment to retain certain employees of the establishment on transfer of ownership.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill requires two weeks advanced notice for employee scheduling. Deviation or adjustment will result in payment of some of the hours to the employee. Bill also requires retention of certain employees when a specific type of business is sold or ownership is transferred. NFIB/Ohio supported legislation in the 131<sup>st</sup> GA that keeps scheduling and other fringe benefits between employer and employee. Any interference in this process, including retention of employees upon transfer of ownership, is unnecessary government involvement in an employer/employee contract/relationship.

**Status:** Introduced March 15, 2017. Pending referral to committee in the Ohio Senate.

Senate Bill 101

## **WORKERS' COMP & UNEMPLOYMENT COMP**

### **WORKERS' COMP BUDGET – House Bill 27 – Sponsored by Representative Tom Brinkman (R – Cincinnati)**

To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is the biennial budget for the BWC, separate from the state operating budget. There is a provision contained within that would dismiss a claim for permanent partial disability should the applicant not submit to a medical examination. This provision is a part of one of NFIB/Ohio's key workers' compensation reforms. The \$566.5 million budget is a 2.5% increase from the previous biennium. Ongoing monitoring will continue through the legislative process. The sub bill includes a provision that reduces the statute of limitations for filing a claim from 2 years to 1 year. This provision has been a decades long priority of NFIB/Ohio.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Insurance Committee.

#### **House Bill 27**

### **INDUSTRIAL COMMISSION BUDGET – House Bill 28 – Sponsored by Representative Tom Brinkman (R- Cincinnati)**

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.

**NFIB/Ohio Position:** Interested Party

**Analysis:** This is simply an appropriations bill. There is currently no policy changes included. NFIB/Ohio will continue to monitor for any policy additions. The bill appropriates \$103.6 million over the biennium representing a one percent increase over the previous biennium.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Finance Committee.

#### **House Bill 28**

### **MILITARY SPOUSE WORKERS' COMP – House Bill 158 & Senate Bill 116 – Sponsored by Representatives Rick Perales (R – Beavercreek) & Hearcel Craig**

(D – Columbus) and Senators Frank LaRose (R – Hudson) & Sandra Williams (D- Cleveland)

To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill permits the spouse of an active duty military member to qualify for unemployment benefits should the spouse be required to move as a result of a military transfer. NFIB/Ohio always is always focused on expansion of benefits particularly when an expansion could cause the full FUTA offset credit to be lost skyrocketing employers' rates from \$42 per employee to \$420 per employee. However, as Ohio is no longer in a state of borrowing this penalty would not be triggered. This provision is estimated to cost less than \$100,000 annually in benefit payouts.

**Status:** Introduced March 23, 2017, in the Ohio House and March 22, 2017, in the Ohio Senate. Pending referral to committee in both chambers.

House Bill 158

Senate Bill 116

**PTSD WORKERS' COMP** – Senate Bill 118 & House Bill 161– Sponsored by Senators Frank LaRose (R – Hudson) and Edna Brown (D – Toledo) and Representative Tom Patton (R – Strongsville)

To make peace officers, firefighters, and emergency medical workers diagnosed with posttraumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill would allow PTSD or mental allowances as the basis for a workers' compensation claim for first responders. This would undo decades of precedence that requires an underlying physical injury to have a mental allowance. This bill does limit benefits to one year and prohibit an individual from receiving a disability benefit without a physical injury. When BWC testified against a similar bill they estimated public employer premiums would double. NFIB/Ohio is very concerned about a potential challenge on equal protection grounds opening up all employers to these claims.

**Status:** Introduced March 23, 2017, in the Ohio Senate and March 28, 2017, in the Ohio Senate. Pending referral to committee in both chambers.

Senate Bill 118

House Bill 161

## **TORT REFORM/CIVIL JUSTICE**

### **MED MAL REFORM – House Bill 7 – Sponsored by Representative Bob Cupp (R – Lima)**

To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim."

**NFIB/Ohio Position:** Interested Party

**Analysis:** The many provisions of the bill are articulated in the title. Analysis is ongoing as the bill sees activity.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Civil Justice Committee.

#### **House Bill 7**

### **DAMAGE CAPS REMOVAL – House Bill 20 – Sponsored by Representatives Anne Gonzales (R – Westerville) and Kristin Boggs (D – Columbus)**

To amend section 2315.18 of the Revised Code to remove the cap on the amount of compensatory damages that represents damages for noneconomic loss that is recoverable in a tort action when the tort action is brought by a victim of rape, felonious assault, aggravated assault, assault, or negligent assault.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is in response to a recent Ohio Supreme Court ruling upholding Ohio's noneconomic damage caps for a victim of sexual assault. This bill would remove the caps in place for instances of rape, felonious assault, aggravated assault, assault, or negligent assault. NFIB/Ohio will be closely monitoring this bill to protect employer liability for non-work related actions done by employees.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.  
House Bill 20

**SEXUAL ORIENTATION DISCRIMINATION** - House Bill 160 – Sponsored by Representative Nickie Antonio (D – Lakewood)

To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would add sexual orientation and gender identity or expression to the list of protected classes for purposes of discrimination. NFIB/Ohio does not condone discrimination but carefully monitors legislation that adds avenues in which employers may be sued. NFIB/Ohio supports broader reforms to Ohio's employment discrimination included in House Bill 2.

**Status:** Introduced March 28, 2017. Pending referral to committee in the Ohio House.

House Bill 160

**TRESSPASSING NOTIFICATION** – Senate Bill 76 – Sponsored by Senator Bill Coley (R – Liberty Township)

To amend the law governing criminal trespass to specify that placing purple paint marks on trees or posts constitutes posting notice in a manner reasonably calculated to come to the attention of potential intruders.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill allows private property owners to paint purple marks on trees or posts to notify potential trespassers that they are on or near private property. This bill aims to protect private property owners from potential litigation by giving another means of notification of property boundaries.

**Status:** Introduced February 27, 2017. Pending before the Ohio Senate Judiciary Committee.

Senate Bill 76

## **ENERGY AND ENVIRONMENT**

**ENERGY EFFICIENCY REFORM** – House Bill 114 – Sponsored by Representative Louis Blessing (R – Cincinnati)

To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is similar to the bill vetoed last GA by Governor Kasich. The bill extends the current renewable energy and energy efficient requirements through 2027 and eliminates after. Additionally, freezes mandates for two years making them goals instead. The bill reduces energy efficiency benchmarks and adds items to what counts toward benchmarks. The bill adds mercantile customers (700k+ kWh annually) to the opt-out provisions. Further the bill permits residential customers to opt-out of any rider or other charges related to renewable energy and expressly states that all costs for providing renewable energy resources are bypassable by any consumer shopping for an electrical supplier.

**Status:** Introduced March 7, 2017. Pending before the Ohio House Public Utilities Committee.

House Bill 114

**From:** Myers, Marisa  
**Sent:** Wednesday, October 4, 2017 5:11 PM  
**To:** Gruber, Joe  
**Subject:** NFIB  
**Attachments:** 132nd-March-2017.pdf

Hi Joe,

Attached is NFIB's 1<sup>st</sup> quarter legislative update. It gives a good summary of the bills they are tracking and their position. Of the issues I cover, I would say Rep. Manning should be prepared to speak on:

- Prevailing Wage (HB 163)
- Right to Work (HB 53, HB 113)
- Employment Law Reform (HB 2)
- Unemployment Compensation Reform (Steven actually covers this one, but I've worked on it a bit too and it's a big issue)

Let me know if you need additional information on those items or others.

Best,

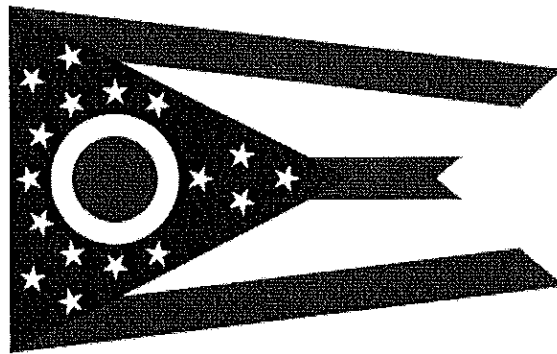
*Marisa Myers*

Majority Caucus Policy Advisor | Speaker Clifford A. Rosenberger  
Ohio House of Representatives | 77 S. High Street Columbus, Ohio 43215  
p. 614.728.5523 | e. Marisa.Myers@ohiohouse.gov



# **NFIB**

The Voice of Small Business.®



## **LEGISLATIVE UPDATE**

### **132nd OHIO GENERAL ASSEMBLY**

**MARCH 2017**

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## **BUDGET AND TAXES**

**STATE OPERATING BUDGET** – House Bill 49 – Sponsored by Representative Ryan Smith (R – Galipolis)

Makes appropriations for the operations of the state.

**NFIB/Ohio Position:** Interested Party

**Analysis:** NFIB/Ohio focused primarily on the tax reform components of the operating budget. The overall package results in a net tax reduction of \$39 million over the biennium. There is a 17% across the board income tax reduction, and a collapsing of income brackets from 9 to 5. The bill increases the sales tax from 5.75% to 6.25% and expands the base to a select group of services. The bill also increases the severance tax, cigarette and OTP taxes, and tax on beer & wine. The bill also subjects the CAT to interest on loans made by entities not subjected to the FIT and to qualified distribution centers of at least 10% of gross receipts. NFIB/Ohio does not support tax shifting. While the simplification on bracket collapsing is good policy, picking winners and losers on the sales tax and other taxes side is not. NFIB/Ohio supports the concept of centralized collection of municipal net profits tax to help ease the burden of filing. The budget appropriates nearly \$67 billion over the biennium (July 1, 2017 – June 30, 2019).

**Status:** Introduced February 8, 2017. Pending before Ohio House Finance Committee.

House Bill 49

**SALES TAX HOLIDAY** – Senate Bill 9 and House Bill 89 – Sponsored by Senator Kevin Bacon (R – Minerva Park) and Representatives John Patterson (D – Jefferson) and Brigid Kelly (D – Cincinnati)

To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

**NFIB/Ohio Position:** Support



**Analysis:** The bill follows the trend of previous enacted bills and would institute a three-day sales tax holiday for 2017. NFIB/Ohio is supportive of making this policy permanent in lieu of revisiting every year.

**Status:** Introduced January 31, 2017, and February 22, 2017, in respective chambers. SB 9 passed the Ohio Senate on February 22, 2017, on a vote of 32-1. Pending vote of full Ohio House. HB 89 pending before the Ohio House Ways & Means committee in the Ohio House.

Senate Bill 9

House Bill 89

**CAUV – Senate Bill 36 – Sponsored by Senator Cliff Hite (R – Findlay)**

To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would revise the current CAUV formula attempting to more adequately reflect fluctuations in commodity prices and subsequent adjustments in land valuation. Farmers have seen a substantial spike in land value upwards of 300% increases. This bill seeks to bring about tax relief to land designated with CAUV status. NFIB/Ohio will be closely monitoring this bill and the impact to other property owners. The fiscal note indicates a loss of \$17-\$18 million to local governments and schools which may lead to additional levies being sought.

**Status:** Introduced February 7, 2017. Pending before the Ohio Senate Ways & Means Committee.

Senate Bill 36

## **STATE GOVERNMENT**

**MICROBUSINESS** – House Bill 5 – Sponsored by Representatives Dorothy Pelanda (R – Marysville) and Theresa Gavarone (R – Bowling Green)

To enact section 166.50 of the Revised Code to create a statutory definition of "microbusiness."

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill simply defines a microbusiness as one that is for-profit, independently held and employs 20 or fewer.

**Status:** Introduced February 1, 2017. Passed the Ohio House on March 1, 2017, on a vote of 96-0. Pending before the Ohio Senate Transportation, Commerce & Workforce Committee.

### House Bill 5

**PUBLIC EXPENDITURE DATABASE** – House Bill 40 – Sponsored by Representatives Jonathan Dever (R – Madeira) and Dave Greenspan (R – Westlake)

To require the Treasurer of State to establish the Ohio State Government Expenditure Database.

**NFIB/Ohio Position:** Support

**Analysis:** The bill essentially codifies the Treasurer of State's existing government expenditure database known as Ohio's Online Checkbook. This voluntary program shows all expenditures for participating units of local government. NFIB/Ohio supports transparency and accountability for public expenditures of taxpayer dollars. Short of codification, and subsequent Treasurer of State could elect to not continue this program.

**Status:** Introduced February 7, 2017. Pending before the Ohio House State and Local Government Committee.

### House Bill 40

**PUBLIC EMPLOYEE RIGHT TO WORK** – House Bill 53 – Sponsored by Representative John Becker (R – Union Township)

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill prohibits an individual from having to join an organization as condition of employment. It also prohibits any fair share payments to an organization as condition of employment. Nothing in the bill abolishes collective bargaining rights or the rights of an individual to contribute to an organization.

**Status:** Introduced February 13, 2017. Pending before the Ohio House Finance Committee.

House Bill 53

**MINIMUM WAGE INCREASE – House Bill 86 – Sponsored by Representatives Kent Smith (D – Euclid) and Hearcel Craig (D – Columbus)**

To increase the state minimum wage to ten dollars and ten cents per hour beginning January 1, 2019.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill would take Ohio's minimum wage from the current \$8.15 per hour to \$10.10 per hour and index to inflation in subsequent years. NFIB/Ohio opposes any attempt at setting a minimum wage as the market should dictate wages. Small employers are least able to absorb this government mandate and will have to make tough decisions on benefit packages, schedules and employment.

**Status:** Introduced February 22, 2017. Pending referral to committee in the Ohio House.

House Bill 86

**EMPLOYEE RIGHTS – Senate Bill 38 – Sponsored by Senator Kenny Yuko (D – Richmond Heights)**

To raise the minimum wage; to eliminate the prohibition against political subdivisions establishing a different minimum wage; to raise the salary threshold above which certain employees are exempt from the overtime law; and to create a uniform standard to determine whether an individual performing services for an employer is an employee of that employer.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill would raise the minimum wage to \$10.15 an hour and index to inflation and repeal the recently enacted and NFIB/Ohio Key Vote on restricting local governments from establishing a different minimum wage than the state. The bill also increases the salary threshold when certain employees are exempt from overtime. NFIB sued the federal government to stop the doubling of the threshold. This bill takes it further to \$50,000 in 2018 and \$69,000 in 2019. The bill also scraps the current test for who is or is not an employee and creates

draconian penalties for employers that recklessly misclassify individuals. The bill also adds liability to general contractors for the hiring practices of their subcontractors. NFIB has long challenged previous iterations of this bill. While we do not condone misclassification, the methods employed in this bill will likely lead to harassment of employers by competitors as any interested party may file a complaint with the Dept. of Commerce.

**Status:** Introduced February 7, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

Senate Bill 38

**BAN THE BOX** – Senate Bill 49 – Sponsored by Senator Sandra Williams (D – Cleveland)

To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill prohibits an employer from asking about an applicant's pleading guilty to or being convicted of a felony on a job application. The bill does not preclude an employer from doing a background check. The bill appears to include no penalties for non-compliance. NFIB/Ohio members believe they should have the right to ask the question upfront and make their own decision about how to handle any previous felonies.

**Status:** Introduced February 14, 2017. Pending before the Ohio Senate Transportation, Commerce and Workforce Committee.

Senate Bill 49

**PERMISSIVE PREVAILING WAGE** - Senate Bill 72 & House Bill 163 – Sponsored by Senator Matt Huffman (R – Lima) and Representatives Kristina Roegner (R – Hudson) & Craig Riedel (R – Defiance)

To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

**NFIB/Ohio Position:** Support

**Analysis:** The bill would allow local governments, special districts (like port authorities) and higher education institutions to decide on a project by project basis whether to apply prevailing wage to any public improvement project. There are NFIB/Ohio members that are not able to meet the requirements for prevailing wage and thus are excluded from being bidders on prevailing wage projects. This bill also gives local governments and other public entities the ability to better manage their taxpayer dollars on projects and expand the number of competitive bids.

**Status:** Introduced February 27, 2017. Pending before the Ohio Senate Finance Committee.  
Senate Bill 72 House Bill 163



## **HEALTHCARE**

**STEP THERAPY PROTOCOL** – Senate Bill 56 & House Bill 72 – Sponsored by Senators Peggy Lehner (R – Kettering) and Charleta Tavares (D – Columbus) and Representative Terry Johnson (R – McDermott) and Nickie Antonio (D – Lakewood)

To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill stipulates that step therapy protocols can be bypassed in certain circumstances. Step therapy is utilized by insurance companies to try and treat a patient with less costly drugs/therapy before moving on to more expensive treatments. The proponents of this legislation indicate insurance companies use fail first methods too much even when it is known that the treatment will fail. NFIB/Ohio is monitoring to see what impacts this might have on our members' health insurance premiums.

**Status:** Introduced February 14, 2017 and February 21, 2017, in respective chambers. Pending before the Ohio Senate Health, Human Service & Medicaid Committee. Pending before Ohio House Health Committee.  
Senate Bill 56 House Bill 72

**UNIVERSAL HEALTHCARE** – Senate Bill 91 – Sponsored by Senators Michael Skindell (D – Lakewood) and Charleta Tavares (D – Columbus)

To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill eliminates the competitive market for health insurance in favor of a universal, government run program. The bill is funded through employer payroll assessments of no more than 3.85% in first year, assessments on gross receipts of employers not to exceed 3% in the first year, assessments on income tax of 6.2% and for those earning over \$200,000 an additional 5%.

**Status:** Introduced March 7, 2017. Pending before the Ohio Senate Insurance & Financial Institutions Committee.

Senate Bill 91

**HEARING AID MANDATE – Senate Bill 93 – Sponsored by Senator Edna Brown (D – Toledo)**

To require health insurers to offer coverage for hearing aids.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill requires that all health insurance policies that provide basic coverage be required to include a benefit of no less than \$1,500 per year over three years. The bill also prohibits any deductible or co-pay charges. Like all mandates they are only applicable to the fully-insured market, arguably the most volatile, leaving significant coverage gaps.

**Status:** Introduced March 7, 2017. Pending before the Ohio Senate Insurance and Financial Institutions Committee.

Senate Bill 93

**MAMMOGRAPHY MANDATE EXPANSION – Senate Bill 121 – Sponsored by Senator John Eklund (R – Munson Township)**

To include tomosynthesis as part of required screening mammography benefits under health insurance policies.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill adds an additional requirement to the mammography mandate currently in Ohio Revised Code that would to cover 3D imaging. NFIB/Ohio is working with the health insurance industry to understand if this service is already covered and the efficacy of this procedure in early detection of cancer. This bill is an expansion of an already existing mandate.

**Status:** Introduced March 30, 2017. Pending referral to committee in the Ohio Senate.

Senate Bill 121

## **LABOR**

### **EMPLOYMENT LAW REFORM – House Bill 2 – Sponsored by Representative Seitz (R – Cincinnati)**

To amend sections 2315.18, 4112.01, 4112.02, 4112.04, 4112.05, 4112.051, 4112.08, and 4112.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4112.051 (4112.055) and 4112.052 (4112.056); to enact new sections 4112.051, 4112.052 and sections 4112.053 and 4112.054; and to repeal section 4112.14 of the Revised Code to modify Ohio civil rights laws related to employment.

#### **NFIB/Ohio Position: Support**

**Analysis:** The bill would update Ohio's employment laws to sync with federal employment laws, particularly as it relates to statutes of limitation for filing of claims. The bill eliminates filing in multiple venues at the same time, eliminates supervisor liability for enforcement of a company policy, and puts a sliding scale cap on damages based upon employer size. These reforms will also streamline age discrimination lawsuits which have four different tracks of pursuit currently.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

House Bill 2

### **RIGHT TO WORK – House Bill 113 – Sponsored by Representative Tom Brinkman (R – Cincinnati)**

To prohibit any requirement that employees of private employers join or pay dues to any employee organization and to establish civil and criminal penalties against employers who violate that prohibition.

#### **NFIB/Ohio Position: Support**

**Analysis:** The bill would prohibit the joining of any employee organization as a condition of employment. This policy is known as right to work. The bill also establishes both civil and criminal penalties including recovery for actual damages for individuals and fines up to \$1,000 and up to 90 days in jail. NFIB/Ohio's last ballot on right to work received overwhelming support in favor.

**Status:** Introduced March 7, 2017. Pending before the Ohio House Economic Development, Commerce & Labor Committee.

House Bill 113

**WAGE DISCRIMINATION** – House Bill 138 – Sponsored by Representatives Kent Smith (D – Euclid) and Janine Boyd (D – Cleveland)

To require the Ohio Civil Rights Commission to establish a system for individuals to make anonymous complaints regarding employers discriminating in the payment of wages.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would create a process whereby an individual who feels he/she has been discriminated against with respect to wages/pay may file an anonymous complaint via phone or electronic means. Current procedure requires in person, via mail with a notarized complaint form or electronically which subsequently requires a notarized form to be resubmitted. Wage discrimination is currently illegal. NFIB/Ohio does not condone discrimination in any form or fashion. We will monitor this bill to ensure that employers are protected during investigations and not penalized simply based upon the filing of a complaint.

**Status:** Introduced March 21, 2017. Pending referral to committee in the Ohio House.

House Bill 138

**PREDICTIVE SCHEDULING** – Senate Bill 101 – Sponsored by Senator Michael Skindell (D – Lakewood)

To regulate certain employment practices of formula retail establishment employers, food services establishment employers, and contractors and to require the purchaser of a formula retail establishment or food services establishment to retain certain employees of the establishment on transfer of ownership.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill requires two weeks advanced notice for employee scheduling. Deviation or adjustment will result in payment of some of the hours to the employee. Bill also requires retention of certain employees when a specific type of business is sold or ownership is transferred. NFIB/Ohio supported legislation in the 131<sup>st</sup> GA that keeps scheduling and other fringe benefits between employer and employee. Any interference in this process, including retention of employees upon transfer of ownership, is unnecessary government involvement in an employer/employee contract/relationship.

**Status:** Introduced March 15, 2017. Pending referral to committee in the Ohio Senate.

Senate Bill 101

## **WORKERS' COMP & UNEMPLOYMENT COMP**

### **WORKERS' COMP BUDGET – House Bill 27 – Sponsored by Representative Tom Brinkman (R – Cincinnati)**

To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is the biennial budget for the BWC, separate from the state operating budget. There is a provision contained within that would dismiss a claim for permanent partial disability should the applicant not submit to a medical examination. This provision is a part of one of NFIB/Ohio's key workers' compensation reforms. The \$566.5 million budget is a 2.5% increase from the previous biennium. Ongoing monitoring will continue through the legislative process. The sub bill includes a provision that reduces the statute of limitations for filing a claim from 2 years to 1 year. This provision has been a decades long priority of NFIB/Ohio.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Insurance Committee.

#### **House Bill 27**

### **INDUSTRIAL COMMISSION BUDGET – House Bill 28 – Sponsored by Representative Tom Brinkman (R- Cincinnati)**

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.

**NFIB/Ohio Position:** Interested Party

**Analysis:** This is simply an appropriations bill. There is currently no policy changes included. NFIB/Ohio will continue to monitor for any policy additions. The bill appropriates \$103.6 million over the biennium representing a one percent increase over the previous biennium.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Finance Committee.

#### **House Bill 28**

### **MILITARY SPOUSE WORKERS' COMP – House Bill 158 & Senate Bill 116 – Sponsored by Representatives Rick Perales (R – Beavercreek) & Hearcel Craig**

(D – Columbus) and Senators Frank LaRose (R – Hudson) & Sandra Williams (D- Cleveland)

To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill permits the spouse of an active duty military member to qualify for unemployment benefits should the spouse be required to move as a result of a military transfer. NFIB/Ohio always is always focused on expansion of benefits particularly when an expansion could cause the full FUTA offset credit to be lost skyrocketing employers' rates from \$42 per employee to \$420 per employee. However, as Ohio is no longer in a state of borrowing this penalty would not be triggered. This provision is estimated to cost less than \$100,000 annually in benefit payouts.

**Status:** Introduced March 23, 2017, in the Ohio House and March 22, 2017, in the Ohio Senate. Pending referral to committee in both chambers.

House Bill 158

Senate Bill 116

**PTSD WORKERS' COMP** – Senate Bill 118 & House Bill 161– Sponsored by Senators Frank LaRose (R – Hudson) and Edna Brown (D – Toledo) and Representative Tom Patton (R – Strongsville)

To make peace officers, firefighters, and emergency medical workers diagnosed with posttraumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.

**NFIB/Ohio Position:** Opposed

**Analysis:** The bill would allow PTSD or mental allowances as the basis for a workers' compensation claim for first responders. This would undo decades of precedence that requires an underlying physical injury to have a mental allowance. This bill does limit benefits to one year and prohibit an individual from receiving a disability benefit without a physical injury. When BWC testified against a similar bill they estimated public employer premiums would double. NFIB/Ohio is very concerned about a potential challenge on equal protection grounds opening up all employers to these claims.

**Status:** Introduced March 23, 2017, in the Ohio Senate and March 28, 2017, in the Ohio Senate. Pending referral to committee in both chambers.

Senate Bill 118

House Bill 161

## **TORT REFORM/CIVIL JUSTICE**

### **MED MAL REFORM – House Bill 7 – Sponsored by Representative Bob Cupp (R – Lima)**

To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim."

**NFIB/Ohio Position:** Interested Party

**Analysis:** The many provisions of the bill are articulated in the title. Analysis is ongoing as the bill sees activity.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Civil Justice Committee.

#### **House Bill 7**

### **DAMAGE CAPS REMOVAL – House Bill 20 – Sponsored by Representatives Anne Gonzales (R – Westerville) and Kristin Boggs (D – Columbus)**

To amend section 2315.18 of the Revised Code to remove the cap on the amount of compensatory damages that represents damages for noneconomic loss that is recoverable in a tort action when the tort action is brought by a victim of rape, felonious assault, aggravated assault, assault, or negligent assault.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is in response to a recent Ohio Supreme Court ruling upholding Ohio's noneconomic damage caps for a victim of sexual assault. This bill would remove the caps in place for instances of rape, felonious assault, aggravated assault, assault, or negligent assault. NFIB/Ohio will be closely monitoring this bill to protect employer liability for non-work related actions done by employees.

**Status:** Introduced February 1, 2017. Pending before the Ohio House Government Accountability and Oversight Committee.

House Bill 20

**SEXUAL ORIENTATION DISCRIMINATION** - House Bill 160 – Sponsored by Representative Nickie Antonio (D – Lakewood)

To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio's Civil Rights Law.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill would add sexual orientation and gender identity or expression to the list of protected classes for purposes of discrimination. NFIB/Ohio does not condone discrimination but carefully monitors legislation that adds avenues in which employers may be sued. NFIB/Ohio supports broader reforms to Ohio's employment discrimination included in House Bill 2.

**Status:** Introduced March 28, 2017. Pending referral to committee in the Ohio House.

House Bill 160

**TRESSPASSING NOTIFICATION** – Senate Bill 76 – Sponsored by Senator Bill Coley (R – Liberty Township)

To amend the law governing criminal trespass to specify that placing purple paint marks on trees or posts constitutes posting notice in a manner reasonably calculated to come to the attention of potential intruders.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill allows private property owners to paint purple marks on trees or posts to notify potential trespassers that they are on or near private property. This bill aims to protect private property owners from potential litigation by giving another means of notification of property boundaries.

**Status:** Introduced February 27, 2017. Pending before the Ohio Senate Judiciary Committee.

Senate Bill 76



## **ENERGY AND ENVIRONMENT**

**ENERGY EFFICIENCY REFORM** – House Bill 114 – Sponsored by Representative Louis Blessing (R – Cincinnati)

To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.

**NFIB/Ohio Position:** Interested Party

**Analysis:** The bill is similar to the bill vetoed last GA by Governor Kasich. The bill extends the current renewable energy and energy efficient requirements through 2027 and eliminates after. Additionally, freezes mandates for two years making them goals instead. The bill reduces energy efficiency benchmarks and adds items to what counts toward benchmarks. The bill adds mercantile customers (700k+ kWh annually) to the opt-out provisions. Further the bill permits residential customers to opt-out of any rider or other charges related to renewable energy and expressly states that all costs for providing renewable energy resources are bypassable by any consumer shopping for an electrical supplier.

**Status:** Introduced March 7, 2017. Pending before the Ohio House Public Utilities Committee.

House Bill 114

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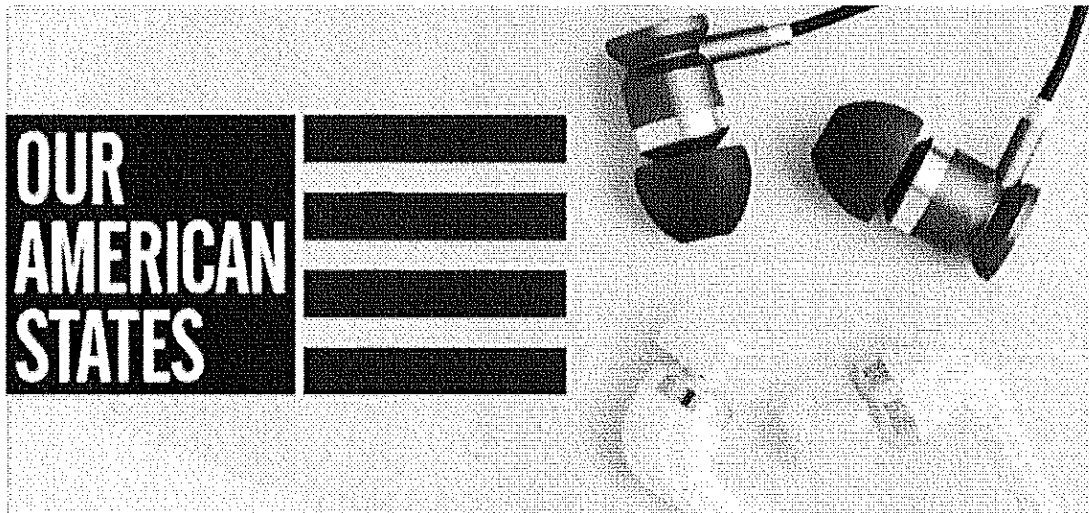
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## U.S. Supreme Court Cases to Watch This Term



Five cases that the U.S. Supreme Court has put on its docket for the current term could have a significant impact on states. State legislatures are waiting for decisions on these cases, and could

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Our American  
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cause them to change state laws depending on how the court rules.  
And a potentially explosive sixth case is waiting in the wings.

Our guests this episode are **Lisa Soronen**, executive director of the State and Local Legal Center, and **Susan Frederick**, senior federal affairs counsel at NCSL.

The cases we examine are:

- *Gill v. Whitford*, a Wisconsin case in which the court may decide whether partisan gerrymandering is unconstitutional.
- *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, looks at whether Colorado's public accommodations law violates a cake artist's First Amendment free speech and free exercise rights.
- *Janus v. American Federation of State, County and Municipal Employees* the court will address whether unions can collect dues from nonmembers.
- *Husted v. A. Philip Randolph Institute* looks at Ohio's procedures to remove voters from their rolls after four years of inactivity.
- *Christie v. National Collegiate Athletic Association* may decide how far Congress can regulate states and localities in the absence of comprehensive federal regulation.

And, as a bonus, we'll discuss what could happen if the court accepts a South Dakota case that could overturn the 1992 *Quill Corp v North Dakota*, which said states could not force business to collect sales or use taxes unless it has a physical presence in a state.

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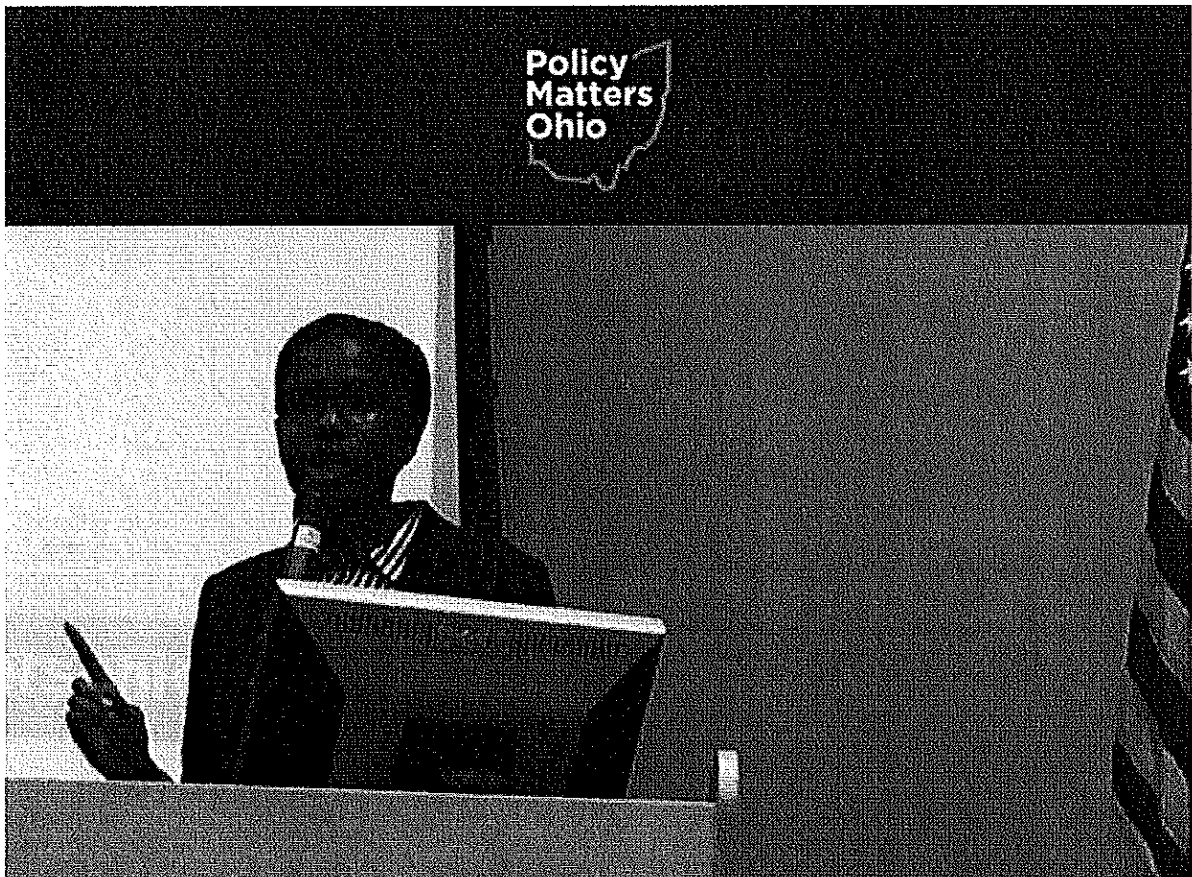
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## The latest news from Policy Matters

**Tax (de)form moves forward:** President Trump and Congressional Republicans are selling us a bill of goods – claiming their plan to overhaul the tax code will spur economic growth and help the middle class. But their plan skews heavily to the wealthy and corporations and paves the way for the slashing of important programs like food aid, Pell Grants and Medicaid. And deductions you might depend on, like the State and Local Income Tax (SALT) are at risk. That's not reforming the tax code, that's deforming it. Our Wendy Patton explained how the plan would hurt most everyday Ohioans. The process isn't over yet, Republicans say they want their \$1.5 trillion tax cut passed by December. There's still time to call or email your members of Congress and voice your displeasure.

**Eye on Columbus:** With so much happening in Washington, D.C. it can be easy to forget that lawmakers in Columbus are also making decisions that affect our lives — and some not for the better. But Research Director Zach Schiller never forgets, and he's been carefully scrutinizing bills that would further benefit the wealthy at the expense of the rest of us. This week Zach submitted testimony about residency requirements that allow "Florida snowbirds" to avoid paying income tax. He called on legislators to change the law so that anyone living in Ohio 183 days or more pays income tax. Zach also testified against a bill that would expand the "passthrough tax loophole" that costs Ohio \$1 billion a year without spurring job creation. Finally, Zach continues to bang the drum on unemployment compensation reform – pushing for a bill that works for workers.

**Budget Bites:** Over the last two weeks we took a hard look at Ohio's 2018-2019 budget. We applauded lawmakers for the concerted and coordinated efforts they made to steer more resources to stem the drug crisis. They increased funding for the department of mental health and addiction services by 16.4 percent and funding for children's services by 36.8 percent. Other protective services for adults and seniors didn't fare as well. Alternatives to incarceration received more funding in the state budget: Community-based correctional services that include drug treatment and rehabilitation went up by 10 percent. But Medicaid, one of Ohio's most important tools in providing access to treatment for people struggling with addiction, faces several threats, such as a potential freeze on enrollment for

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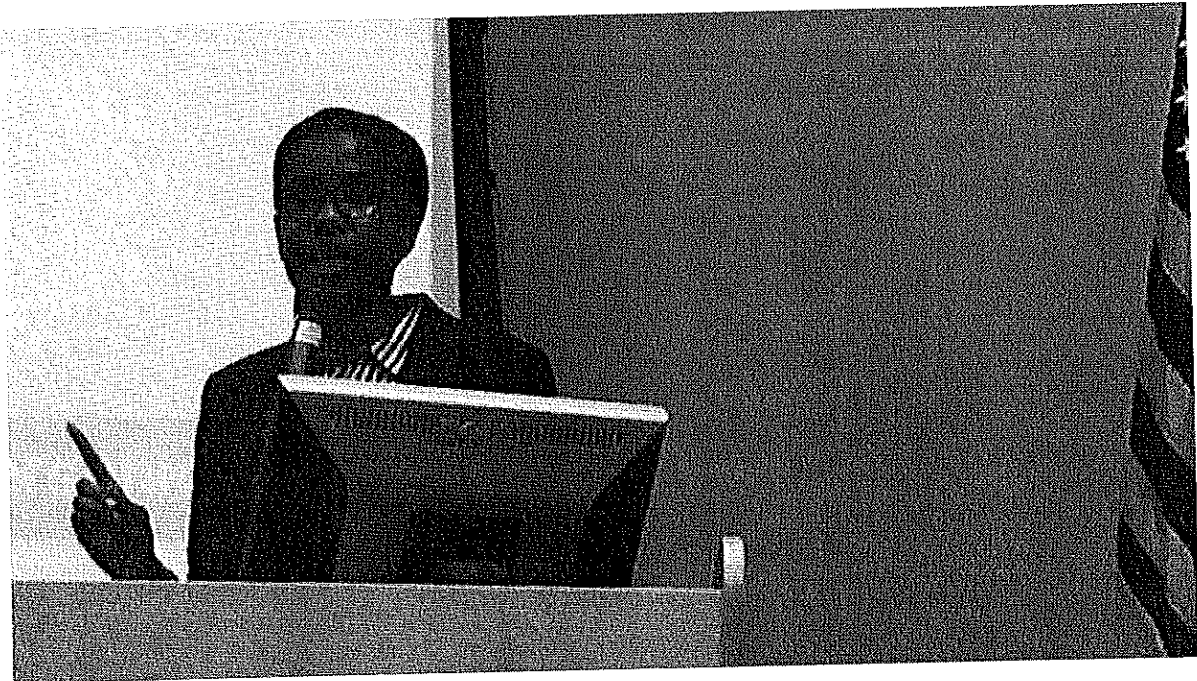


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- [House Sees Lengthy Floor Debate over Latest Abortion Bill, Anti-Fraud SNAP Legislation](#)
- [Redistricting Panel Hears Further Testimony Bashing Gerrymandering](#)
- [Bill Barring Workers' Compensation to Illegal Aliens Gets First Hearing](#)
- [Automakers Talk Rollout Timelines, Policy Needs in Driverless Car Hearing](#)
- [House Committee Discusses Merits of Piping Materials Bill](#)
- [Statehouse Rally Urges Action on Legislation to Reform Payday Loans in Ohio](#)
- [New Ohio State Policy Center to Study 'War on Drugs'](#)
- [Ohio Earns Solid 'C' in New Report on Pre-Trial Justice](#)
- [Ohio Attorney General Opinion Request](#)
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- [House Committee Discusses Merits of Piping Materials Bill](#)
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**From:** Caitlin Johnson, Policy Matters Ohio  
**Sent:** Monday, December 4, 2017 3:09 PM  
**To:** Myers, Marisa  
**Subject:** RELEASE: Expand Trade Adjustment Assistance to help displaced Ohio workers

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**PRESS RELEASE**

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## Expand Trade Adjustment Assistance to help displaced Ohio workers

**Contact:** [Hannah Halbert](#)  
**614.221.4505**

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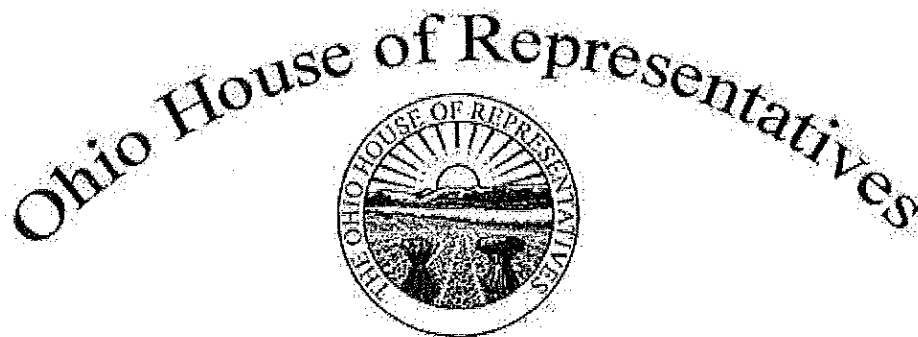
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**From:** Michalowski, Joe  
**Sent:** Friday, December 15, 2017 11:38 AM  
**To:** Michalowski, Joe  
**Subject:** Becker Co-sponsor Request: Six Right-to-Work Constitutional Amendments  
**Attachments:** Co-sponsor Request- Six Right-to-Work Constitutional Amendments.pdf



Representative John Becker  
Ohio's 65<sup>th</sup> House District

**MEMORANDUM**

**To:** GOP House Members  
**From:** Representative John Becker  
**Date:** Friday, December 15, 2017  
**RE:** Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

---

The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

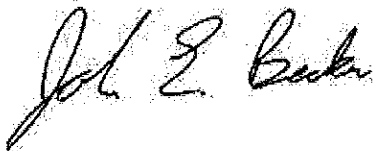
1. Private-sector Right-to-Work – No worker should be required to subsidize a union as a condition of employment. Additionally, this will tell the world that Ohio is "open for business."
2. Public-sector Right-to-Work – This is about freedom of association. Like for the private sector, no worker should be required to subsidize a union as a condition of employment.
3. Public-sector Prevailing Wage – Repeals the requirement for taxpayers to pay artificially inflated wages, rather than those that are market-based.

4. Public-sector Paycheck Protection – This prohibits state and local government employers from withholding union dues or fees from workers' wages. Additionally, unions will be prohibited from spending workers' money on political activities without workers' consent.
5. Public-sector Project Labor Agreements – This is the Michigan model approved by the US Court of Appeals for the Sixth Circuit. State and local government entities will be prohibited from engaging in contracts that minimize competition for construction projects by requiring that only union or non-union labor can be considered. A level playing field will be required.
6. Public-sector Union Recertification – Requires annual reconsideration and recertification of workers' bargaining units. This will open up competition for new bargaining units, will give workers a chance to have their voices heard, and will make union leadership accountable to their membership.

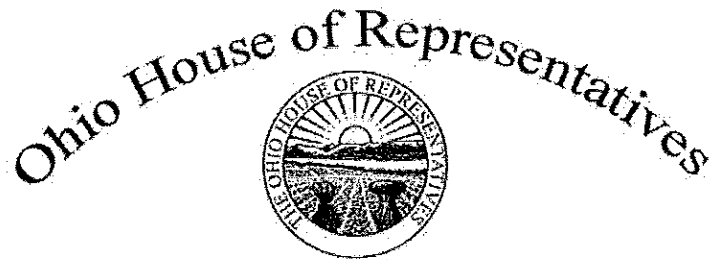
These proposals simply ask the General Assembly to put them on the ballot for the people to vote on them individually. Twenty-eight states and four out of five of Ohio's neighboring states have enacted Right-to-Work laws. Clearly, the nation's future is for all workers to have the right to work free of the burden of mandated union payments as a condition of employment. Ohio is being left behind, and it is time for the people to decide Ohio's future.

If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or [joe.michalowski@ohiohouse.gov](mailto:joe.michalowski@ohiohouse.gov). Please indicate which constitutional amendment(s) you wish to co-sponsor. **The deadline to co-sponsor is Wednesday, December 20, 2017, at 4:00 P.M.**

Thank you for your time and consideration of this legislation.



John Becker  
State Representative  
65<sup>th</sup> House District



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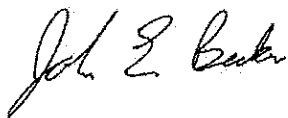
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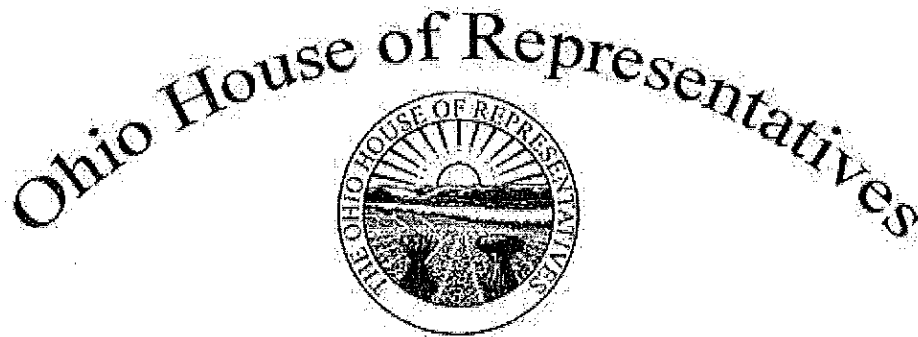
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**RE:** Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

---

The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

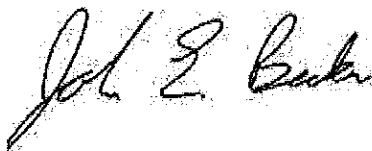
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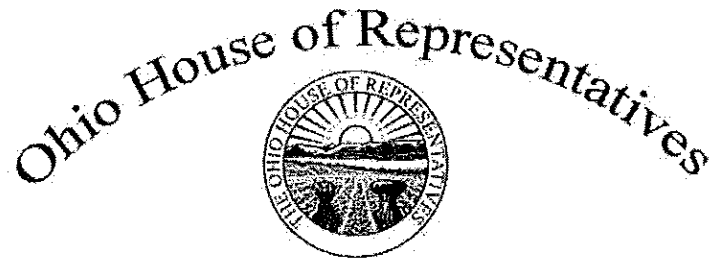
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If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or [joe.michalowski@ohiohouse.gov](mailto:joe.michalowski@ohiohouse.gov). Please indicate which constitutional amendment(s) you wish to co-sponsor. **The deadline to co-sponsor is Wednesday, December 20, 2017, at 4:00 P.M.**

Thank you for your time and consideration of this legislation.



John Becker  
State Representative  
65<sup>th</sup> House District



Representative John Becker  
Ohio's 65<sup>th</sup> House District

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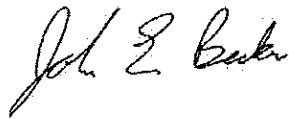
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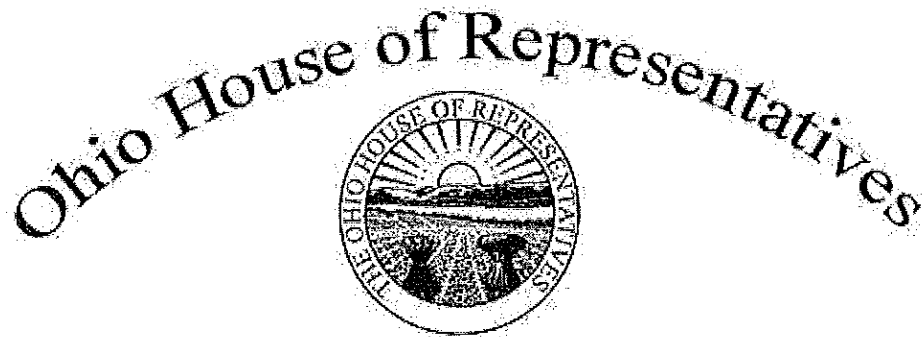
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John Becker  
State Representative  
65<sup>th</sup> House District

**From:** Michalowski, Joe  
**Sent:** Friday, December 15, 2017 11:38 AM  
**To:** Michalowski, Joe  
**Subject:** Becker Co-sponsor Request: Six Right-to-Work Constitutional Amendments  
**Attachments:** Co-sponsor Request- Six Right-to-Work Constitutional Amendments.pdf



Representative John Becker  
Ohio's 65<sup>th</sup> House District

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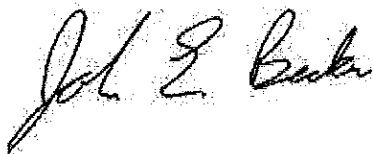
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# Ohio House of Representatives



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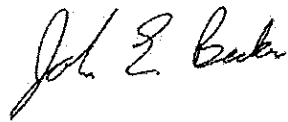
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**From:** report@hannah.com  
**Sent:** Monday, December 18, 2017 6:30 PM  
**To:** DL\_Hannah  
**Subject:** Hannah News Stories for Monday, December 18, 2017

**Monday, December 18, 2017**

**IN TODAY'S HANNAH REPORT:**

**Please click here to read the entire Hannah Report.**

**Today's Stories**

- [Kasich Seeks to Give Last 'State of State' in Westerville on March 6](#)
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- [Judicial Actions: Parades; Opinion](#)

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**From:** Westlake, Libby  
**Sent:** Wednesday, December 20, 2017 8:39 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 12/20/2017

## HOUSE E-CLIPS

12/20/2017

### **The Columbus Dispatch** *Ohio's Greatest Online Newspaper*

#### **REPORT SUGGESTS STATE AGENCY ALREADY HAS VIOLATED NEW CONTRACTING POLICY**

After The Dispatch revealed the Ohio Department of Administrative Services awarded \$15 million in unbid contracts to favored information-technology consultants, the agency promised to clean up its act.

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### **Dayton Daily News** [www.daytondailynews.com](http://www.daytondailynews.com)

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State Sen. Bill Beagle (R-Tipp City) today declared his candidacy for a seat on the Miami County Commission.

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**Sent:** Wednesday, December 20, 2017 2:43 PM  
**To:** Michalowski, Joe  
**CC:** Basie, Margaret  
**Subject:** Becker & Riedel REVISED Co-sponsor Request: Six Right-to-Work Constitutional Amendments  
**Attachments:** Becker & Riedel Co-sponsor Request- Six Right-to-Work Constitutional Amendments.pdf

**Importance:** High

### **Representative Craig S. Riedel**

has signed on to all six of these constitutional amendments as a joint sponsor with Rep. Becker.

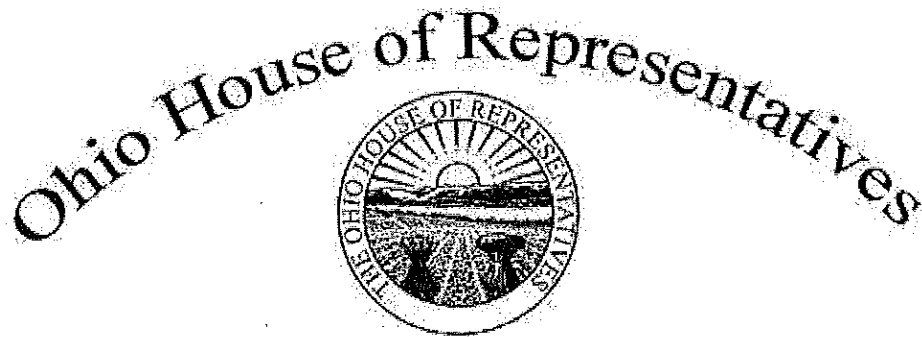
Each of the six amendments would appear on Ohio's general election ballot on November 3, 2020.

The current co-sponsors of all six are: Rep. Thompson, Rep. Brinkman, Rep. Dean, Rep. Keller, Rep. Roegner, and Rep. Zeltwanger. Rep. Lang is a co-sponsor on the following constitutional amendments: private-sector right-to-work (amendment #1); public-sector prevailing wage (amendment #3); and public-

sector project labor agreements (amendment #5).

Rep. Vitale is a co-sponsor on public-sector right-to-work (amendment #2).

**Revised deadline to co-sponsor is TODAY** at 5:00 PM. Please note which constitutional amendment(s) you wish to co-sponsor.



Representative John Becker  
Ohio's 65<sup>th</sup> House District

**Representative Craig S. Riedel**  
Ohio's 82<sup>nd</sup> House District

MEMORANDUM

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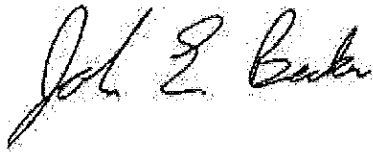


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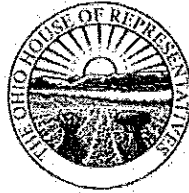
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82<sup>nd</sup> House District

# Ohio House of Representatives



Representative John Becker  
Ohio's 65<sup>th</sup> House District

Representative Craig S. Riedel  
Ohio's 82<sup>nd</sup> House District

## MEMORANDUM

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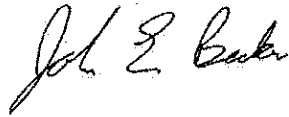
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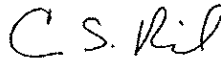
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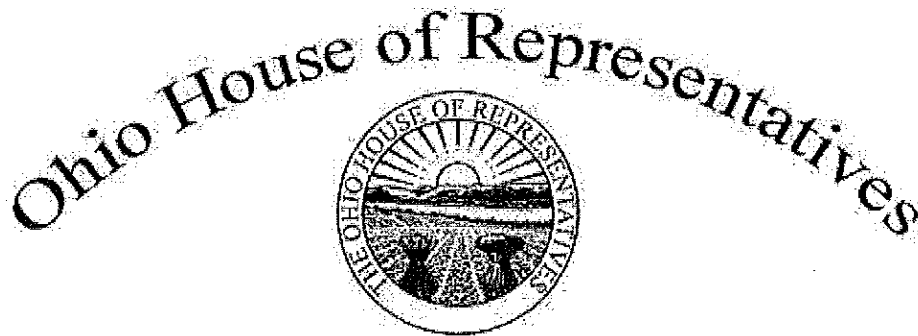
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Representative John Becker  
Ohio's 65<sup>th</sup> House District

**Representative Craig S. Riedel**  
Ohio's 82<sup>nd</sup> House District

MEMORANDUM

To: GOP House Members  
From: Representative John Becker and Representative Craig S. Riedel  
Date: Wednesday, December 20, 2017  
RE: REVISED: Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

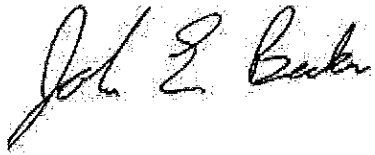
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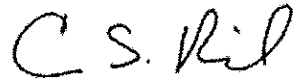
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If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or [joe.michalowski@ohiohouse.gov](mailto:joe.michalowski@ohiohouse.gov). Please indicate which constitutional amendment(s) you wish to co-sponsor. **The deadline to co-sponsor is TODAY- Wednesday, December 20, 2017, at 4:00 P.M.**

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65<sup>th</sup> House District

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Craig S. Riedel  
State Representative  
82<sup>nd</sup> House District



# Ohio House of Representatives



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Representative Craig S. Riedel  
Ohio's 82<sup>nd</sup> House District

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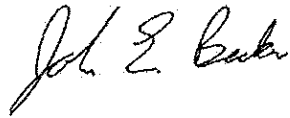
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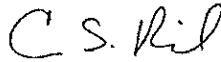
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**From:** Michalowski, Joe  
**Sent:** Wednesday, December 20, 2017 2:43 PM  
**To:** Michalowski, Joe  
**CC:** Basie, Margaret  
**Subject:** Becker & Riedel REVISED Co-sponsor Request: Six Right-to-Work Constitutional Amendments  
**Attachments:** Becker & Riedel Co-sponsor Request- Six Right-to-Work Constitutional Amendments.pdf

**Importance:** High

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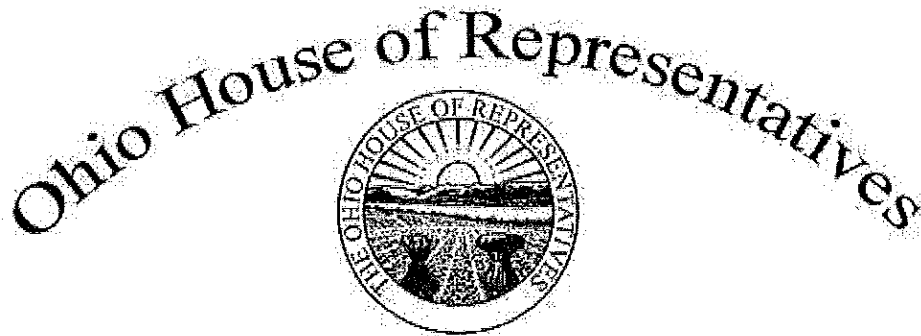
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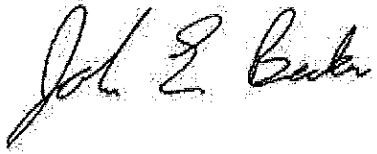
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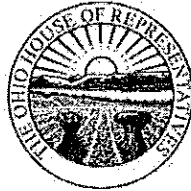
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# Ohio House of Representatives



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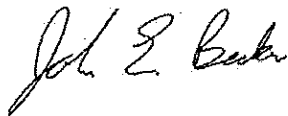
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**From:** Westlake, Libby  
**Sent:** Monday, January 8, 2018 9:39 AM  
**To:** Westlake, Libby  
**Subject:** E-Clips for 1/8/2018

## HOUSE E-CLIPS

1/8/2018



### **OHIO BANS SALE OF DOZENS OF INVASIVE PLANTS UNDER NEW RULES**

Ohio has banned the sale of more than three dozen invasive plant species under new rules that took effect Sunday.

### **PROPOSED OHIO LAW WOULD PREVENT FORCED NURSE OVERTIME**

A shortage of nurses in Ohio has prompted a state lawmaker to propose a law that would ban hospitals from requiring nurses to work overtime.



### **JOSH MANDEL QUITTING US SENATE CHALLENGE OF SHERROD BROWN SEAT**

Because of an unspecified health issue involving his wife, Ohio Treasurer Josh Mandel is dropping out of the race to challenge Democratic U.S. Sen. Sherrod Brown.

### **KASICH SETS PRIMARY FOR TIBERI SEAT FOR MAY 8; SPECIAL ELECTION ON AUG. 7**

Ohio Gov. John Kasich has set the elections in which voters will determine who will be nominated — and ultimately serve — the remainder of the term of resigning U.S. Rep. Pat Tiberi.

### **OHIO GRADUATION REQUIREMENTS MIGHT BE SOFTENED FOR CLASSES OF 2019 AND 2020**

The Ohio Board of Education is expected to urge lawmakers next week to back off tougher new requirements to graduate high school for at least another two years.

### **TAYLOR STAYS FIRM WITH GOVERNOR RUN; RENACCI REPORTEDLY CONSIDERING BID FOR SENATE**

Lt. Gov. Mary Taylor plans to stay the course with her run for the Republican gubernatorial nomination and will not seek to replace Josh Mandel in the GOP quest to unseat Democratic Sen. Sherrod Brown this year.

### **38 SPECIES OF INVASIVE PLANTS NOW ILLEGAL TO SELL IN OHIO**

Ohio is taking a swing at nature's bullies.

### **ECOT CASE PROMPTS CALLS FOR BETTER RULES TO VERIFY STUDENT**

#### **ENROLLMENT**

As the Ohio Supreme Court prepares to hear arguments in ECOT's lawsuit regarding repayments for unverified students, some legislators say it's time for more clarity.

### **TOP OHIO HOUSE GOP AIDE LEAVING FOR CAMPAIGN ROLES**

After 15 years in the Ohio House, having worked his way up from low-level page to chief of staff for the speaker, Mike Dittoe is stepping down.

### **OHIO PURGE OF VOTER ROLLS GETS SUPREME COURT SCRUTINY THIS WEEK**

To the state of Ohio, it is nothing more than a housekeeping device to keep the voting rolls up to date.

### **OHIO SCHOOL DISTRICTS ANXIOUS FOR REFUNDS FROM ECOT'S \$60 MILLION**

#### **REPAYMENT**

The checks are not yet in the mail, but they will be coming.

### **WILL 2018 BE THE YEAR OF THE WOMAN? SIGNS POINT TO YES**

On any given year, EMILY'S List — the Democratic organization that recruits pro-choice women to run for office — draws the interest of a few hundred women thinking of running for office.

### **EDITORIAL: LEGISLATURE FAILED OHIO CONSUMERS**

The Ohio legislature's blinkered priorities and pandering to industry interests is made plain in its failure to end the abusive practices of "submetering," which forces more than 28,000 households in central Ohio alone to pay heftier electricity and water bills.

**Dayton Daily News**  
www.daytondailynews.com

### **GROUP PUSHING BALLOT MEASURE TO INCREASE REGULATION OF PUPPY MILLS**

Following a dramatic showdown between animal rights groups and agriculture heavy weights seven years ago, Ohio struck a deal to bring about sweeping reforms for how farm animals are handled.

### **ARE YOU OWED MONEY? OHIO'S UNCLAIMED FUND HITS \$2.6 BILLION**

Now that the holidays are over and the credit card bills are due, it might be a good time to check to see if the state of Ohio is hanging onto any money you forgot about.

### **ARE OHIO'S LICENSING RULES OUT OF WHACK?**

It takes nearly a year of training to become a licensed barber in Ohio, but one can become an advanced emergency medical technician — with the ability to administer narcotics — in less than six weeks.

**THE PLAIN DEALER**

### **JOSH MANDEL DROPS OUT OF THE SENATE RACE**

Republican Ohio Treasurer Josh Mandel announced Friday his withdrawal from the race for U.S. Senate.

### **JEFF JOHNSON, FORMER CLEVELAND COUNCILMAN, PLANS TO CHALLENGE OHIO SEN. SANDRA WILLIAMS IN MAY PRIMARY**

Jeff Johnson, just days after leaving office as a Cleveland council member following an unsuccessful run for mayor, says he plans to challenge Ohio Sen. Sandra Williams in the May Democratic primary.

### **WHAT ATTRIBUTES SHOULD A HIGH SCHOOL GRADUATE HAVE? IT'S NOT JUST THE "THREE R'S" ANYMORE**

What should a high school graduate look like in Ohio?

### **OHIO STILL HAS A POLITICAL GENDER GAP, BUT NOT IN THE RACE FOR GOVERNOR: A WOMAN'S PLACE**

Betty Sutton knows what it's like to be the only female politician in a room full of men.

### **VOTING IN OHIO MATTERS - LOOK AT THE 141 TIES AND ONE-VOTE RACES IN THE LAST FIVE YEARS: THOMAS SUDDER**

Ohio's neighboring state once-removed, Virginia, showed last week why every vote counts in American elections.

## **THE ENQUIRER**

### **JOSH MANDEL'S SHOCKING EXIT HAS REPUBLICANS CONCERNED. AND THEY DON'T HAVE MUCH TIME TO REPLACE HIM.**

Minutes after Republican U.S. Senate candidate Josh Mandel quit the race Friday afternoon, reality set in for Republicans.

## **THE BLADE**

One of America's Great Newspapers

### **REPUBLICAN LAWMAKERS PUSH TO MAKE OHIO "RIGHT TO WORK"**

More than six years after voters resoundingly rejected similar proposals at the polls, a package of proposed constitutional amendments have been introduced to make Ohio the 29th state to enact "right to work."

### **OHIO VOTERS WILL HAVE MULTIPLE CANDIDATES TO CHOOSE FROM IN 2018**

Ohio faces a mixed bag of political races this year, with contests ranging from governor all the way down to local judgeships and leadership of the Lucas County Republican Party.

### **EDITORIAL: OPIOID AID FOR OHIO'S TOWNS**

Ohio, especially small-town Ohio, is now enduring a sociological and budgetary perfect storm.